

APPEAL BY MR CHRIS SANDERS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A DETACHED DWELLING IN THE EXISTING GARDEN OF 149 HIGH STREET, SILVERDALE

<u>Application Number</u>	18/00618FUL
<u>LPA's Decision</u>	Refused under delegated powers
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	3rd September 2019

The Inspector set out the following procedural matters prior to considering the merits of the proposed development:

- No consideration was given to the reason for refusal relating to the requirement for a financial contribution following the Council withdrawing this reason.
- Plans relating to a pre-application request made following the refusal were submitted with the appeal, however as the Council or any other interested party, had not had the opportunity to comment on the revised drawing, the Inspector did not consider such plans. The appeal was determined on the basis of the drawings considered by the Council.

The Inspector identified the main issue to be whether the proposal would provide satisfactory living conditions for its future occupiers, by way of privacy.

In dismissing the appeal the Inspector made the following key comments and observations:-

- The appeal site is at the back of the rear garden serving No 149 High Street and fronts on to Park Road, to the south of the site. There is a significant drop in land levels between Park Road and High Street with a retaining wall accommodating most of the change in levels.
- The appeal proposal is for the erection of a detached chalet bungalow fronting on to Park Road with a garden area to the north side of the bungalow and the existing dwellings on High Street.
- The two first floor rear windows at No 149 and the first floor rear window at the dwelling currently being constructed in the side garden of No. 149 would, by way of close proximity to the proposed bungalow, result in an unacceptable level of overlooking. The users of the rear garden and the lounge/kitchen in the proposed bungalow served by the rear window would have little privacy. The change in land levels would not mitigate against overlooking and the Inspector was not convinced, from the information available, that the provision of a fence would be sufficient to screen the rear garden or windows from overlooking from the first floor windows at No. 149.
- It was raised that the impact from overlooking and the loss of privacy would not be unacceptable as the room affected is not a bedroom and, as there is a second window serving the room, is not a principal window. However the SPG considers the privacy of kitchens, lounges and bedrooms to be equally important. Furthermore the rear window is full sized and clear glazed and so users of this room would therefore be susceptible to overlooking. These matters do not, therefore, mitigate the harm found.
- The proposed dwelling would fail to provide satisfactory living conditions for its future occupiers. The proposal would therefore conflict with paragraph 127(f) of the NPPF and the SPG guidance which seek development to provide a high standard of amenity, both internally and externally, for existing and future occupiers.

Recommendation

That the appeal decision be noted.